

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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# Th12a

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 Staff: S.Craig  
 Staff report: 01/16/2003  
 Hearing date: 02/06/2003

## APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

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**Appeal number** ..... **A-3-STC-01-099; West Cliff Drive Multiuse Path Widening**

**Applicant** ..... Department of Public Works; Attn: Mr. Tony Lau

**Appellants** ..... West Cliff Drive Owners' Association, Attn: President Susan Rose; Mr. Aldo Giacchino; Mr. John Walker

**Local government** ..... City of Santa Cruz

**Local decision** ..... Approved with conditions (September 18, 2001)

**Project location** ..... West Cliff Drive (Between Bay Street and Swanton Blvd.), Santa Cruz (Santa Cruz County)

**Project description** ..... Widening of West Cliff Drive Multiuse Path from 8-12 feet to 14 feet Between Bay Street and Swanton Blvd.

**File documents** ..... City of Santa Cruz Certified Local Coastal Program (LCP); City of Santa Cruz Coastal Development Permit Application File 00-097; Geologic Review (8/27/01), Nolan, Zinn, and Associates

**Staff recommendation** ... **No Substantial Issue**

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## EXECUTIVE SUMMARY

The City of Santa Cruz approved a public works project to widen the existing 8-to-12-foot wide multiuse path along the south side of West Cliff Drive between Bay Street and Swanton Boulevard for a total distance of approximately 13,500 linear feet (about 2.5 miles). The path would be widened to 14 feet for the majority of its length by extending the path into the existing road right of way, thus reducing the width of West Cliff Drive.

The appellants claim that the approved path widening project will: (1) be inconsistent with the requirements of the LCP regarding development of a West Cliff Drive Integrated Management Plan; (2) adversely affect coastal access and recreation by failing to retain all the current street side parking; (3) adversely affect coastal access and recreation for residents, vehicles, bicyclists, and pedestrians on West Cliff Drive and the path; (4) create adverse biological impacts, and; (5) contribute to erosion and degradation of water quality.

These contentions do not raise a substantial issue of conformity of the City-approved project with the



**California Coastal Commission**  
**February 2003 Meeting in San Diego**

Staff: S.Craig Approved by:

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certified LCP because: (1) while the LCP does require the preparation of a West Cliff Drive Integrated Management Plan, it does not preclude new development prior to completion of the plan; also, the City has agreed to develop the West Cliff Drive Integrated Management Plan and submit it to the Commission as part of the City's General Plan/LCP update; (2) the City-approved project retains all existing parking along West Cliff Drive; (3) the widened multiuse path will provide more space for recreational users and thus should lessen user conflicts; also, the reduced road width of West Cliff Drive is greater than the minimum allowed by transportation guidelines and is acceptable to the local fire department; (4) the City will take appropriate action to mitigate potential disturbance to monarch butterflies, black swifts, and pigeon guillemots; also, the project will not impact wetland or riparian areas, and; (5) the project will result in a minimal increase in impervious surface; also, the City conditioned its approval to require silt and grease traps in the storm drainage system and to require erosion control measures during construction.

Staff recommends that the Commission, after conducting the public hearing, determine that **no substantial issue** exists with respect to this project's conformance with the certified City of Santa Cruz Local Coastal Program (LCP) and declines to take jurisdiction over the coastal development permit for the project.

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Exhibit 3: Location Map (Santa Cruz)

Exhibit 4: Location Map (West Cliff Drive)

Exhibit 5: Special Condition #5 (CDP 3-90-111-A2)

Exhibit 6: Letter from City of Santa Cruz Planning Director

Exhibit 7: Correspondence (Susan Rose, President WCDOA)

## 1.0 SUMMARY OF APPELLANTS' CONTENTIONS

### 1.1 Appeal of West Cliff Drive Owner's Association

The West Cliff Drive Owners' Association (WCDOA) contends that the City-approved project raises a substantial issue with respect to the project's conformance with the LCP regarding the requirement for development of an integrated management plan for West Cliff Drive. The WCDOA contends that such a management plan was a condition of a previous coastal permit, that this condition has not been met and that the City is in violation, and therefore the approved project should be denied. In addition, the WCDOA contends that the adopted Negative Declaration is deficient in terms of the project's effect on Biological Resources, Public Services, and Hazards. Furthermore, the WCDOA contends that the City did not address this (and other) West Cliff Drive projects in terms of their cumulative impact. The WCDOA also contends that the City-approved project is inconsistent with the LCP because the project maximizes, rather than minimizes, potential automobile and pedestrian/bicycle conflicts, and that these conflicts will have a detrimental affect on public access, safety, and pollution. Finally, the WCDOA also contends that construction of the approved project will cause adverse environmental and neighborhood impacts. Please see Exhibit 1 pp. 1-4 for the full text of the West Cliff Drive Owner's Association's appeal.

### 1.2 Appeal of Aldo Giacchino

Mr. Giacchino contends that the approved project will violate LCP safety, recreation, and public access policies because the project will create safety hazards that reduce access to the coast. In addition, Mr. Giacchino contends that the approved project is inconsistent with the LCP regarding development of an integrated West Cliff Drive management plan. Furthermore, Mr. Giacchino contends that the approved project is deficient in terms of analysis of traffic demands and the lack of design and engineering alternatives. Please see Exhibit 1 pp. 5-6 for the full text of the appeal by Aldo Giacchino.

### 1.3 Appeal of John W. Walker

Mr. Walker contends that the approved project violates LCP policies regarding public access, safety, and recreational enjoyment. Specifically, Mr. Walker contends that the approved project adversely affects coastal access by failing to retain the current number of street side parking spaces. In addition, Mr. Walker contends that the approved project reduces safety for vehicles, bicyclists, and pedestrians on West Cliff Drive and on the multiuse path and will also adversely affect recreational enjoyment. Please see Exhibit 1 pp. 7-8 for the full text of the appeal by John W. Walker.



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## 2.0 APPEAL PROCEDURES

### 2.1 Filing of Appeals

On September 18, 2001, the City Council of Santa Cruz approved the proposed project subject to multiple conditions (see Exhibit 2). Adequate notice of the City Council's action on the CDP was received in the Commission's Central Coast District Office on Thursday, September 20, 2001. The Commission's ten-working day appeal period for this action began on Friday, September 21, 2001 and concluded at 5:00 P.M. on Thursday, October 4, 2001. Three valid appeals were received during the appeal period.

In accordance with the Commission's regulations, staff notified the City of Santa Cruz of the appeals and requested all relevant documents and materials regarding the subject permit, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Section 13112 of the Commission's regulations provides that upon receipt of a notice of appeal, a local government shall refrain from issuing a coastal development permit (CDP) and shall deliver to the Executive Director all relevant documents and materials used by the local government in consideration of the CDP application. The City permit file information was received on October 11, 2001.

Pursuant to Section 30261 of the Coastal Act, the appeal hearing must be set within 49 days from the date that an appeal is filed. The 49<sup>th</sup> day from the appeal filing date was November 22, 2001. On October 17, 2001, the applicant's representative waived the applicant's right for a hearing to be set within the 49-day period, to allow Commission staff sufficient time to review the project information and the appellants' contentions.

### 2.2 Appeals Under the Coastal Act

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. The project is appealable because it is located between the sea and the first public road paralleling the sea, is within 300 feet of the top of the seaward face of a coastal bluff, and is a major public works project.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the approved development is in conformity with the certified



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local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. Staff is recommending no substantial issue in this case. Therefore, the standard of review is consistency with the LCP and the public access policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

### 3.0 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

**MOTION:** *I move that the Commission determine that Appeal No. A-3-STC-01-099 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of **No Substantial Issue** and the adoption of the following resolution and findings, and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

#### **RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. **A-3-STC-01-099** presents no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

### 4.0 RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

#### 4.1 Project Location

The approved project site is the existing 2.5-mile West Cliff Drive multiuse path between Bay Street and Swanton Boulevard (see Exhibits 3 and 4 for location maps). The approved project is located adjacent to West Cliff Drive within the existing road pavement and right-of-way. The site is located within a residential and coastal recreational area.



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A portion of the project site is located within a general Monarch butterfly habitat area designated in the City's General Plan/Local Coastal Program on Map EQ-9. A portion of the project site is adjacent to cliffs used as nesting sites by pigeon guillemots and black swifts, also shown on Map EQ-9. These three species are designated as sensitive species in the City's LCP.

### 4.2 Project Description

The project consists of widening the existing 8-to-12-foot wide multiuse path along the south side of West Cliff Drive between Bay Street and Swanton Boulevard for a total distance of approximately 13,500 linear feet (about 2.5 miles – see Exhibit 4). The project would widen the path to 14 feet except in four areas (approximately 8% of the path's length) where the roadway would be reduced to less than 22 feet if the path were widened to 14 feet. In these areas the path would range in width from 10.5 feet to 13.5 feet. A portion of the path, approximately 1,300 linear feet in the vicinity of the Lighthouse, has already been widened to 14 feet and is not subject to further improvement as part of the approved project. The project will be constructed in two phases over a two-year period: Phase 1 from Bay Street to Woodrow Avenue (7,000 linear feet); Phase 2 from Woodrow Avenue to Swanton Boulevard (6,500 linear feet) (see Exhibit 4 for location map of phases). The proposed path widening would be constructed in several small stages within each phase to minimize recreational and vehicular traffic impacts.

Widening of the path into the existing road right of way will reduce the width of West Cliff Drive from the existing width of 23-40 feet to 22-36 feet. The road would be reduced to 22 feet for approximately 8% of its length. One lane in each direction will be maintained. The width of the majority of West Cliff Drive would be in the 24-foot range.

Construction of the project includes the following:

1. Removal of existing curb, gutter, and catch basins;
2. Construction of new curb, gutter, and installation of new catch basins;
3. Raising the widened portion of the path to match the elevation of the existing path;
4. Paving a level course on the newly raised portion of the path;
5. Repair of the existing path, header boards and erosion problems;
6. Paving the full width of the path.

### 4.3 City Action

The City of Santa Cruz created an 11-member West Cliff Drive Task Force in March 1997 to study the issues and problems surrounding the West Cliff Drive pathway, which is a 2.5-mile multiuse path on the seaward side of West Cliff Drive. The Task Force presented the City Council with recommendations in January 1998 that included widening the path to 16 feet wherever possible and reducing the roadway width along West Cliff Drive to 20 feet to slow motor vehicle speeds. Due to concerns from residents and the Fire Department regarding the 20-foot road width, the project was modified to include a 14-foot path width and road narrowing to 22 feet in several locations. An Initial Study was completed for the proposed project on May 24, 2001. The Zoning Administrator adopted the Mitigated Negative



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Declaration and approved the Design and Coastal Permits on August 1, 2001. The West Cliff Drive Owners' Association appealed the Zoning Administrator's approval to the City Council on August 9, 2001. On September 18, 2001, The City Council approved the path-widening project, without change to the conditions placed on the project at the Zoning Administrator level.

### 4.4 Standard of Review

The City of Santa Cruz has a certified Local Coastal Program (LCP). The standard for review of coastal permits in the City of Santa Cruz is the certified LCP, and for projects located between the first public road and the sea, such as this one, the access policies of the Coastal Act.

## 5.0 SUBSTANTIAL ISSUE ANALYSIS

### 5.1 West Cliff Drive Management Plan

LCP Parks and Recreation Policy 1.7.6 requires development of a West Cliff Drive integrated plan and states: *Develop and implement an integrated design, land use, recreation, cliff stabilization, and landscaping plan for West Cliff and East Cliff Drives to enhance public access, safety and recreational enjoyment in these areas.*

- *Create a continuous pathway along the coast by enhancing physical linkages between West Cliff and East Cliff Drives and the Beach Promenade*
- *Lay out criteria for maintaining riprap, protection of paleontological resources and bird nests, and trail maintenance*
- *Monitor the beach profile and recreational use of beaches to obtain baseline information for analyzing riprap proposals and their recreational impacts and establish criteria for a maximum permitted coverage of sandy beaches by seawalls*
- *Analyze facilities and the need for additional or rehabilitation of existing lighting, restrooms, drinking fountains, artistic and landscape enhancements, benches, bike parking, directional and interpretive signs, accessways, stairways, overlooks, and improved safety proposals*
- *Develop design criteria for shoreline structures (e.g., minimize amount of material and coverage; emphasize use of non-glare, non-reflective, natural or natural-appearing materials, incorporation of access facilities)*
- *Ensure continued monitoring of and possible remedial work for wastewater outfall protective rock (pursuant to Moffatt and Nichol's "Santa Cruz Outfall Monitoring Program")*
- *Develop locational and non-point source pollutant criteria for dealing with drainage discharges*
- *Examine the feasibility of periodic street closure or limiting vehicular access along the length of West Cliff Drive and consider opening up West Cliff Drive between Washington and Beach Streets to bicycles and pedestrians only.*



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Two of the Appellants contend that the City-approved project violates the LCP because the City has not developed an integrated plan for West Cliff Drive, as required by LCP Parks and Recreation Policy 1.7.6. Note, however, that this policy does not include a specific timeline nor does it preclude additional development along West Cliff Drive prior to completion of the plan.

The Commission previously required submission of a West Cliff Drive integrated plan as part of permit condition compliance. In 1998, the City applied for permit 3-90-111-A2 to construct engineered armor stone (riprap) revetments at two locations on West Cliff Drive. Special Condition #5 of that permit required the City to submit to the Commission for review and approval a West Cliff Drive Integrated Development and Management Plan (Plan), consistent with Parks and Recreation Policy 1.7.6 (see Exhibit 5 for the full text of Special Condition #5). The Plan was to be submitted within two years of approval of permit 3-90-111-A2 (i.e., by 6/8/00). At the time the appeals were filed, i.e. October 2001, the Plan had not been submitted to the Commission. Thus, the permit condition had not been fulfilled.

The purpose of Parks and Recreation Policy 1.7.6 is to develop a plan that analyzes West Cliff Drive regarding the variety of issues that affect the area, including shoreline erosion and restoration, drainage and water quality, public facilities, public access and recreation, biological resources, landscaping, etc. An integrated management plan would identify and analyze the existing conditions along West Cliff Drive including areas highly subject to erosion, identification of the full right-of-way and options for its use, areas where existing riprap potentially could be replaced by contoured and textured vertical seawalls, etc. An integrated management plan would address the concerns and issues on West Cliff Drive in a comprehensive manner. In particular, such a plan would provide a framework for future public development along West Cliff Drive that balances the objectives of protecting beach access, maximizing public access along the multiuse path, responding to shoreline erosion, and so forth.

Subsequent to the appeals being filed, the City submitted a draft West Cliff Drive Integrated Management and Development Plan in April 2002. The Plan presented in one document the various land use, design, recreation, circulation, environmental quality, coastal erosion and safety policies and standards in the current LCP that are particularly important in protecting and managing West Cliff Drive coastal resources and public access features. The Plan contained additional background information not present in the certified LCP; however, the Plan did not contain any comprehensive statement of objectives, new analysis, or new policies regarding the important issues discussed above.

City and Commission staff have since met on several occasions (including at West Cliff Drive) to further discuss the issues and additional types of policies Commission staff would like to see in the Plan. Most recently, staff has received a letter from Planning Director Eugene Arner stating that a progress report on the draft Plan will be submitted to the Commission in April 2003 and that the City plans to include the Plan in its General Plan/LCP update, which the City is currently undertaking (see Exhibit 6).

As stated above, LCP Parks and Recreation Policy 1.7.6 does not require completion of the Plan prior to new development on West Cliff Drive. Also, regarding condition compliance for coastal development





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permit 3-90-111-A2, the City has begun to diligently pursue completion of an integrated Plan for West Cliff Drive, and will include the Plan in its General Plan/LCP update in the next several years. Therefore this aspect of the appeal raises no substantial issue in regard to conformity of the approved path widening with Parks and Recreation policy 1.7.6 of the certified City of Santa Cruz LCP regarding development of an integrated plan for West Cliff Drive.

### 5.2 Biological Resources

Applicable City of Santa Cruz LCP policies regarding protection of natural vegetation communities and wildlife habitats are as follows:

**Environmental Quality Policy 4.1.2:** *Preserve the habitat of and minimize disturbance to seabird rookeries and roosting areas along the coastline.*

**Environmental Quality Policy 4.2:** *Preserve and enhance the character and quality of riparian and wetland habitats, as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process.*

**Environmental Quality Policy 4.5:** *Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9).*

**Environmental Quality Policy 4.5.3:** *Protect monarch butterfly overwintering sites and ensure adequate buffering of these sites from development.*

**Environmental Quality Policy 4.5.3.2:** *Require development in the vicinity of designated monarch sites to undergo environmental impact analysis and for development affecting sites prepare a management plan addressing preservation of the habitat that includes criteria such as:*

*Prohibiting the cutting, thinning, pruning or removal of any tree or shrub (especially nectar plants used by monarchs) except as necessary for safety of homes or persons and requiring replacement of comparable vegetation; prohibiting pesticide use and keeping all water sources clean; allowing construction only during the months when monarchs are not present; and keeping smoke from infiltrating monarch roosting sites.*

**Environmental Quality Policy 4.5.4:** *Preserve Black Swift and Pigeon Guillemot habitat by monitoring the effects of erosion repair work along West Cliff Drive and timing construction in areas near these habitats to avoid disturbing them during the nesting season, ensuring that no significant adverse impact occurs.*

The West Cliff Drive Owners' Association (WCDOA) contends that the City's Negative Declaration is deficient in that the proposed project does not support a "No Impact" finding for Biological Resources items 4(b), (c), (d), (e), and (f) (see Exhibit 1 pg. 2 for the Appellant's contentions). Specifically, this section of the Negative Declaration addresses impacts to wetland and riparian habitat or other identified



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sensitive natural communities, wildlife/fish communities, and local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The Appellant does not specifically state which species or habitats were not adequately addressed in the Negative Declaration. The standard of review for appeals to the Commission is the certified City of Santa Cruz LCP, not CEQA. The certified LCP, however, contains many policies to protect habitats and wildlife.

The project site is located within a general monarch butterfly habitat area designated in the City's General Plan/LCP. Monarch butterflies use a eucalyptus grove at Lighthouse Field on Pelton Avenue, which intersects with West Cliff Drive, as an overwintering roosting site. Pelton Avenue will be used as a detour during a portion of the project's construction. This will result in increased traffic on Pelton Avenue in the vicinity of the monarch butterfly roosting area. The additional traffic on Pelton could adversely affect monarch butterflies that are roosting at Lighthouse Field by contributing to increased mortality of monarch butterflies stranded on the roadway by cold temperatures and storm winds during the winter. Thus, the City conditioned its approval to require that construction be staged to avoid detouring down Pelton Avenue between during the winter months (see Exhibit 2, Condition #17). With this condition, the project is consistent with the Environmental Quality policies of the certified LCP regarding protection of monarch butterflies.

The LCP defines black swifts and pigeon guillemots as sensitive species. Sensitive species are those species that rely on specific habitat conditions that are limited in abundance, restricted in distribution, or are particularly sensitive to development. The project site is located within a general black swift and pigeon guillemot habitat, as shown on Map EQ-9 in the City's LCP. These birds use coastal bluffs and caves for habitat. Black swifts are a California species of special concern. The local breeding population is present from late May to September. Black swifts are sensitive to disturbance during the nest building, egg laying, and incubation phases of the nesting cycle, which locally spans from late May to early July. Pigeon guillemots are fairly common along rocky shores. This species nests in cliff crevices with a breeding season from mid-April through August. Originally, the City planned to complete the path widening between September and November, outside both bird species' nesting season. Thus, the City did not condition its approval to require protections for these bird species. However, the City now proposes to do some of the work in the spring, which could affect these species. Commission staff has discussed this concern with the City. The City has provided a letter (see Exhibit 6) stating that prior to any work that would take place during these species' nesting season, a resource ecologist will complete a survey of the cliffs. If nesting black swifts and/or pigeon guillemots are found, then completion of the path widening in that area will not commence until the nesting season is complete. Thus, the project is consistent with Environmental Quality Policies 4.1.2, 4.5, and 4.5.4 regarding protection of sensitive species.

The Appellant contends that the City's adopted Mitigated Negative Declaration does not support a "No Impact" finding regarding adverse effects on riparian or wetland habitats. The LCP provides for specific policies to protect wetlands and riparian habitats. These habitats are delineated on Map EQ-8 in the LCP. No wetland or riparian habitats are delineated on Map EQ-8 in the area of the project. Although several small streams are located inland from West Cliff Drive, these areas will not be impacted by the



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project. Thus the project is consistent with Environmental Quality Policy 4.2 regarding protection of riparian and wetland habitats.

In conclusion, the City conditioned its approval to disallow detour of traffic down Pelton Avenue during the monarch butterflies' overwintering period. In addition, the City's resource ecologist will perform surveys for black swifts and pigeon guillemots prior to construction. If nesting birds are found, path widening will not take place adjacent to those cliff areas until the nesting season is complete. Finally, the path widening will not impact wetland or riparian areas. Therefore, the appeal raises no substantial issue in regard to conformity of the approved path widening with the Environmental Quality policies of the certified City of Santa Cruz LCP regarding protection of biological resources.

### 5.3 Public Access, Recreation, and Safety

Applicable Coastal Act Public Access policies include:

**Coastal Act Section 30210:** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Coastal Act Section 30213 (in part):** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Applicable City of Santa Cruz LCP policies regarding public access, recreation, and safety are as follows:

**LCP Parks and Recreation Policy 1.7:** *Develop plans to repair, maintain and maximize public access and enjoyment of recreational areas along the coastline consistent with sound resource conservation principles, safety, and rights of private property owners.*

**LCP Parks and Recreation Policy 1.7.1:** *Maintain and enhance vehicular, transit, bicycling, and pedestrian access to coastal recreation areas and points.*

**Zoning Ordinance Section 24.08.400:** *The purpose of the design permit is to promote the public health, safety and general welfare through the review of architectural and site development proposals and through application of recognized principles of design, planning and aesthetics and qualities typifying the Santa Cruz community...*

**Zoning Ordinance Section 24.08.430(7):** *The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.*

**Land Use Policy 3.5:** *Protect coastal recreation areas, maintain all existing coastal access points open*



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*to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.*

**Land Use Policy 3.5.3:** *Require new development and public works projects to provide public access from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety, protection of fragile coastal resources, or where adequate access exists nearby.*

**Land Use Policy 3.5.4:** *Wherever feasible and appropriate, distribute public facilities (including parking areas) throughout the coastal recreation area to mitigate the impacts of overcrowding or overuse by the public of any single area.*

**Land Use Policy 3.5.5:** *Develop and implement plans to maximize public access and enjoyment of recreation areas along the coastline.*

**Land Use Policy 5.3.5:** *Ensure that visitor-serving facilities are arranged and developed in a compact, integrated manner to reduce automobile circulation and emphasize pedestrian movement.*

**Land Use Policy 5.6:** *Require land use development to integrate into the larger circulation system by interconnecting its system of roads, pedestrian and bike paths with existing facilities and also design access to nearby areas in a manner that minimizes the necessity for automobile travel and potential automobile and pedestrian/bike conflicts.*

The Appellants contend that the approved project will create a safety hazard by increasing conflicts between pedestrians and bicyclists, thus reducing public access and recreational enjoyment of the area. Specifically, the Appellants contend that fast moving bikes will be forced onto the path due to narrowing of the road, and that this will cause conflicts with pedestrians because the approved project does not provide for separation of pedestrians and bicyclists on the path. An Appellant also contends that recreational enjoyment of motor vehicle drivers will be reduced by the challenge of negotiating a narrow road and passing bicyclists. Please see Exhibit 1 for the full text of the appeals.

West Cliff Drive consists of a 2.5-mile stretch of two-lane roadway directly adjacent to the bluffs above the Pacific Ocean (see Exhibit 4). Residential use is found on the inland side of West Cliff Drive, with only one house located on the bluff side. Highlights along West Cliff Drive include the Steamer's Lane surfing area, the Mark Abbott Memorial Lighthouse, Lighthouse State Beach, and the multiuse path. West Cliff Drive draws tourists and locals alike for the natural beauty of the coastline and the variety of public recreation and access amenities found along this stretch of the coast. The popularity of the multiuse path has created conflict among its many users due to its relatively narrow width, which varies from 8 to 12 feet.

The approved project would increase the width of the path to 14 feet, except where the roadway would be reduced to less than 22 feet. The path will be between 10 ½ and 13 ½ feet in four areas, with an accompanying road width of 22 feet. Areas of reduced path width and 22-foot road width account for approximately 8% of the project's length.



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The LCP contains a number of policies to provide for enhancement of public access and recreation. For example, LCP Parks and Recreation Policy 1.7.1 requires the maintenance and enhancement of vehicular, transit, bicycling, and pedestrian access to the coast. LCP Land Use Policies 3.5 and 3.5.5 call for enhancing and maximizing public access to coastal recreation areas. Regarding safety, LCP Parks and Recreation Policy 1.7 requires maximization of public access along the coastline consistent with safety. LCP Land Use Policy 5.6 requires that access be designed to minimize potential automobile and pedestrian/bike conflicts.

The approved project does not provide separation of bicyclists and pedestrians on the path. The LCP, however, does not require separation of users on multiuse paths nor does it require any specific widths for multiuse paths. In addition, the California Highway Design Manual does not provide specific standards for widths of paths that allow for separation of bicyclists and pedestrians, but does recommend physical separation where possible. Some locales, such as Monterey, have developed 16-foot wide separated paths (10 feet for bicyclists (five feet in each direction, which is consistent with the Highway Design Manual's Class II Bikeway standards) and 6 feet for pedestrians) with different path materials for bicyclists (asphalt) and pedestrians (decomposed granite). City of Santa Cruz Public Works staff states that there is insufficient room along the West Cliff Drive path to adequately physically separate the different types of users, especially given the four "pinch points" where the path must narrow down to below 14 feet due to bluff and street-width constraints. One option that would allow for a larger path with separated users would be to reconfigure West Cliff Drive into a one-way street. The City, however, rejected this option because of concerns expressed by recreational users of West Cliff Drive and residents of the neighborhoods surrounding West Cliff Drive regarding limits to their access.

The City also considered reducing the road width to 10 feet per lane, for a total of 20 feet, which is the minimum road width allowable under American Association of Highway and Transportation Officials (AASHTO) guidelines. This would allow a 16-foot wide path for the majority of the path's length, which would potentially allow for physical separation between bicyclists and pedestrians for most of the path's length. West Cliff Drive, however, is a Designated Fire Access Route in Santa Cruz. The City's Fire Chief expressed concern to the City regarding the Fire Department's ability to respond effectively to emergencies if the road was reduced in width to 20 feet. The City's Fire Chief states that the 14-foot-wide path, which allows for a minimum street width of 22 feet, has mitigated the Fire Department's concern in this regard.

As stated above, a number of LCP policies provide for the enhancement of public access and recreation along the coastline. During the summer months and on weekends the existing multiuse path is often crowded, especially in certain areas, such as between Bay Street and the Lighthouse. The addition of two to six feet in width of the multiuse path will enhance the experience for recreational users of the path by allowing more room for path users, consistent with Parks and Recreation and Land Use policies requiring enhancement of recreation and public access.

LCP Parks and Recreation Policy 1.7, Zoning Ordinance 24.08.400, and Land Use Policy 3.5.3 require that new development, including public access and recreational development, provide for public safety and minimize potential automobile and pedestrian/bike conflicts. Widening of the path will improve



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safety because of the additional area that will be available to path users. The Appellants' main concern, however, is that fast-moving bicyclists that currently use West Cliff Drive will be forced onto the path because of the narrowed road width, and that this will cause additional conflicts on the path. The option of dedicated bike lanes on West Cliff Drive to accommodate fast-moving commuting bicyclists (as opposed to slower moving recreational bicyclists that use the path) would require a minimum of 10 feet of width for the bike lanes (5 feet in each direction). To do so would require a combination of widening the road, narrowing the multiuse path, and removing parking, or possibly making West Cliff Drive a one-way street. The City-approved project is designed primarily to improve recreational access, and not to provide a commute corridor for bicyclists. The width of West Cliff Drive under the City-approved project will range from 22 feet to 36 feet. The road will be reduced in width to 22 feet for 8% of its length. The majority of West Cliff Drive will be in the 24-foot-wide range or greater, which generally should be adequate for fast-moving bicyclists to share with motor vehicles. Fast-moving commuting bicyclists also have the option of using Delaware Avenue, which is a wide street, instead of West Cliff Drive. Given the high use of the path by both pedestrians and recreational bicyclists, it is doubtful that many high-speed commuting or racing bicyclists will use the path because they will need to slow down to avoid the many recreational users on the path. In any event, the wider path will be an improvement over the existing path in terms of providing more room which should lessen recreational user conflicts, especially in locations where the path is only eight feet wide currently. Thus the project is consistent with the Parks and Recreation and Land Use Policies of the LUP regarding safety.

An Appellant contends that the City-approved project will reduce the recreational enjoyment of motor vehicle drivers on West Cliff Drive because of the narrowed road width and passing bicyclists. The minimum road width of 22 feet (for 8% of the length of West Cliff Drive) is two feet greater than the minimum allowed by AASHTO. In addition, a narrower road width will have the effect of slowing traffic, which should increase safety and recreational enjoyment. Also, it is the responsibility of drivers to drive with care and adhere to the speed limit (25 mph on West Cliff Drive) and give the right-of-way to pedestrians and bicyclists. Finally, Delaware Avenue is also an attractive option for motorists looking for a faster way through this section of Santa Cruz, rather than the slower paced, scenic drive offered by West Cliff Drive.

An Appellant contends that the City-approved project will negatively impact public access by removing parking spaces along West Cliff Drive. Per the City's staff report and according to Chris Schneider, Assistant Director of Public Works, there will be no loss of parking along West Cliff Drive due to widening of the path and narrowing of the road. The number of spaces at parking bays as well as the number of parallel parking spaces along West Cliff Drive will not be reduced. Thus, this project is consistent with the Parks and Recreation and Land Use Policies, as well as the Zoning Ordinance, of the City's LCP regarding protection of public access.

In conclusion, the widened multiuse path will provide more space for recreational users and should lessen user conflicts, consistent with the public access, recreation, and safety policies of the LCP. The width of West Cliff Drive will be reduced to 22 feet over only 8% of its length, which is two feet greater than that required under AASHTO guidelines. This width is acceptable to the City's Fire Department.



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The majority of the road will be 24 feet or greater in width, which generally should be adequate for fast-moving bicyclists. In addition, a narrower street should slow traffic, which will improve public safety. Finally, no parking will be removed due to the project. Therefore, the appeal raises no substantial issue in regard to conformity of the approved path-widening project with the Parks and Recreation and Land Use Policies and Zoning Ordinance regulations of the certified City of Santa Cruz LCP regarding protection of public access, recreation, and safety. Also, as discussed above the project will increase and enhance public access along this popular route. The City-approved project is therefore consistent with Coastal Act Sections 30210 and 30213 regarding maximization of public access and provision of lower cost visitor and recreational facilities, especially those providing public recreation opportunities.

### 5.4 Water Quality/Erosion

Applicable LCP policies regarding water quality include:

**Environmental Quality Policy 2.3.1:** *Design and site development to minimize lot coverage and impervious surfaces, to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that reduce urban runoff pollutants to the maximum extent possible.*

**Environmental Quality Policy 2.3.1.3:** *Require low-flow-velocity, vegetated open channels, area drains incorporating grease and sediment traps, groundwater recharge facilities and detention ponds directly connected to impervious areas.*

**Environmental Quality Policy 2.3.1.5:** *Ensure that all parking lots, roads, and other surface drainages that will flow directly into coastal waters have oil, grease, and silt traps.*

**Environmental Quality Policy 3.1:** *Require site design and erosion control measures in areas subject to erosion hazards or adjacent to streams and wetland areas to minimize grading activities and vegetation removal.*

**Environmental Quality Policy 3.1.2:** *Prohibit grading and earth disturbance during wet winter months and ensure that any grading or stockpiles are stabilized and revegetated (or covered) before winter months.*

**Environmental Quality Policy 3.1.3:** *Require an erosion control plan for all new projects located within or adjacent to erosion hazard areas, and for all development proposals involving slopes exceeding 10%.*

An Appellant contends that construction of the City-approved project will cause changes in drainage, infiltration, and runoff resulting from changes to the vegetation on the fragile cliffs, and that these impacts will result in land and cliff erosion, slides, disturbance of flora and fauna on and about the cliff face, and additionally will disturb marine life adjacent to the cliffs.

In general, the path will be widened by extending the width of the sidewalk in the direction of the West Cliff Drive roadway. Where there is a landscape strip between the path and the roadway, the path will be widened into the landscape strip. Where the path and roadway are adjacent (the majority of the



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project), the widening will involve moving the curb, which currently separates the existing path from the roadway, into the road, resulting in narrowing of the roadway and widening of the path.

The City-approved project includes a modest increase in impervious surface in those areas in which the widened path will extend into existing landscaping. The great majority of the path, however, will be widened directly into West Cliff Drive, which already consists of an impervious surface. Thus, the project will result in a minimal addition to the existing impervious surface of West Cliff Drive, consistent with Environmental Quality Policy 2.3.1. New gutters and new storm drain inserts with appropriate grease and sediment traps will be installed as part of the project, consistent with Environmental Quality policies 2.3.1.3 and 2.3.1.5.

A geologic review was completed to evaluate the City-approved project with respect to geologic impacts and constraints. The review concluded that the City-approved project would be exposed to potential instability due to sea cliff retreat and landsliding of the bluff during the project's lifetime, but that the project's exposure will be the same as that of the existing path. This seems a reasonable conclusion given that the path will be widened inland and away from the bluff top, except for a 150-foot section that will be extended approximately four feet towards the bluff top and will result in a path that is 30 to 95 feet from the bluff top edge. In any event, the City conditioned its approval to require an erosion control plan that includes erosion control measures on the outer edge of the bluff during construction and requiring that grading be done during periods of dry weather and prohibiting earth-moving activities between December 1<sup>st</sup> and March 1<sup>st</sup> (see Exhibit 2, conditions #12 and #14). These conditions provide consistency with Environmental Quality policies 3.1, 3.1.2, and 3.1.3.

The geologic review also reviewed the drainage provisions of the City-approved project and determined that the drainage provisions in Phase I of the project plan will protect the sea cliff and adjacent areas from increased erosion or instability. In Phase II, specific drainage provisions will have to be developed for the several portions of the existing sidewalk that are below the grade of West Cliff Drive. Currently, the drainage sheet-flows toward the bluff top in this area. The geologic review recommends three possible options for these below-grade areas. Of these three, Commission water quality staff states that option #1 (which provides for sloping of the path toward the cliff in combination with erosion resistant planting strips along the seaward side of the path) is the preferable option, consistent with Environmental Quality Policy 2.3.1.3. City Public Works staff states that this is the option the City is planning to undertake in these below-grade areas (Pers. Comm. Chris Schneider, Assistant Director of Public Works).

In conclusion, the City-approved project will result in a minimal increase in impervious surface. The project includes the installation of grease and silt traps. The City conditioned its approval to require erosion control measures to protect the bluff top during construction and to prohibit grading during wet weather and during winter months. In areas where the widened path will be below the grade of West Cliff Drive, the drainage will be directed to vegetated erosion resistant strips on the seaward side of the path. Therefore, the appeal raises no substantial issue in regard to conformity of the approved path widening with the Environmental Quality policies of the certified City of Santa Cruz LCP regarding protection of water quality and prevention of erosion.



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### 5.5 Additional Contentions

The appeals include a number of additional miscellaneous contentions. Please see Exhibit 1 for the full text of the appeals.

An Appellant contends that the City's staff report lacks any quantifiable traffic and path user data that would allow a proper analysis of the project's impact. The City's LCP does not require such data to be collected prior to expansion of an existing public pathway. In any event, the City's West Cliff Drive Task Force performed 95 15-minute surveys data throughout the months of May, June, and July 1997 to evaluate use on West Cliff Drive and the multiuse path. This data was presented to City staff. In addition, data from a survey taken at the intersection of Pelton Avenue and West Cliff Drive was referenced in the Initial Study.

An Appellant contends that the City-approved project lacks any study of design and engineering alternatives, such as considering the expansion of the path towards the ocean instead of expansion into the roadway. As discussed above in Section 5.3 of this staff report, the City did evaluate a number of alternatives before approving the project and has approved an alternative that enhances public access and mitigates environmental impacts.

An Appellant contends that the City did not address the project in terms of its cumulative impact on current and probable future developments. There are no planned projects along West Cliff Drive known to Commission staff that would conflict or lead to adverse cumulative impacts in conjunction with the City-approved path widening. In addition, the environmental impacts of the project have been adequately addressed as discussed above.

An Appellant contends that the residents of the neighborhood will be subject to the significant adverse environmental impacts of vibration and noise caused by 2.5 miles of curb deconstruction and reconstruction. The environmental impacts of the project on biological resources have been addressed, as discussed above. Also, the LCP does not contain policies regarding temporary disturbances, including noise, to residents due to construction.

In conclusion, the above miscellaneous contentions do not raise a substantial issue with regard to the policies of the City of Santa Cruz certified LCP.

